

1910-042 Chancery Causes : John D. Morgan & vs. S. S. Brooks &  
Lee Co.

Pennington, Sarver, Alderson

CA-Debt

T-Property

To the Honorable H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia.

Humbly complaining your orators Robert L. Pennington and John D. Morgan would respectfully represent and show unto your honor as follows: That on the 18th day of December, 1909, S. S. Brooks, Martha W. Sarver and Joseph T. Alderson executed their note to the said Robert L. Pennington for the sum of \$300.00, payable ninety days after date thereof, with interest from date thereof, and that afterwards, to-wit, on the date of the said note the said Robert L. Pennington endorsed and assigned the said note for valuable consideration, to the said John D. Morgan as will more fully appear by a copy of the said note herewith filed with this bill and asked to be taken as part hereof.

Your orator would further represent and show unto your honor that when the said note became due and payable it was not paid, and was not paid theretofore, nor has the same or any part thereof been paid since, but the same remains now wholly due, owing and unpaid, together with the interest thereon, and the said makers of the said note waive the benefit of the homestead exemption as to the debt evidenced by the said note.

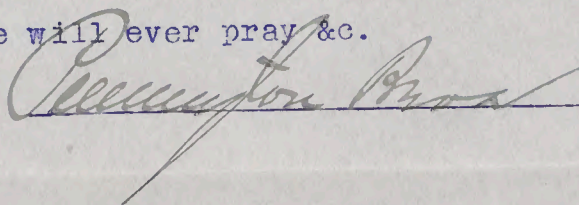
Your orator would further represent and show unto your honor that the said Joseph T. Alderson is a non-resident of the State of Virginia and has estate and property owing to him within the County of Lee within which this suit is instituted; that he is the owner of a one-half undivided interest in lot of real estate situated at St. Charles in Lee County, Virginia, consisting of a number of Town lots known as the Brooks addition to the Town of St. Charles, and being the same lot of land that was purchased by the said S. S. Brooks from William R. Johnson and wife, and in which the said Joseph T. Alderson purchased a one-half undivided interest.

Said S.S.Brooks is also the owner of a like interest in the said lots with the said Joseph T. Alderson, and your orators are now

informed that the said S. S. Brooks is now selling, or arranging to sell all of the said lots in which he is interested. Your orators are informed that the said S. S. Brooks is the principal debtor in fact on the said note with said Martha W. Sarver and Joseph T. Alderson as sureties.

The object therefore of this suit is to attach the estate of the said Joseph T. Alderson, a non-resident, to secure the payment of the said money as aforesaid, and to obtain personal judgment against the said Brooks and Sarver on said note as well as against the said Alderson, provided personal process can be secured against the said Alderson, and that the said lots and property if necessarily be sold in this cause to satisfy the payment of the said note as aforesaid, and the costs of this suit.

The prayer, therefore, of your orators are that the said S.S. Brooks, Martha W. Sarver, and Joseph T. Alderson be made parties defendant to this bill of complaint, and be required to answer the same but not under oath; that an attachment be endorsed upon a summons in this cause requiring the officer to whom it is directed to attach the estate of the said Joseph T. Alderson, a non-resident, that upon a hearing enough of the said proceeds so attached be sold that may be necessary to satisfy the payment of the said note, and that a personal judgment be rendered against the said defendant for the said debt, interest and cost of this suit, And may all other, further and general relief be granted your orator that the nature of his cause and good conscience requires. And he will ever pray &c.

 p.q.

Virginia,

Lee County, to-wit:

I, Allie O. Freeman, a Notary Public in and for the County of Lee and State aforesaid, do certify that Robert L. Pennington this day made oath before me that the statements made in the foregoing bill of complaint are true to the best of his knowledge and belief.

Given under my hand this the 14th day of June, 1910.

N.P.



John D. Morgan and others .....Plaintiffs.

Vs. Affidavit for Attachment.

S.S. Brooks and others.....Defendants.

Commonwealth of Virginia,

County of Lee, to-wit:

This day on a bill in equity filed in the office of our Circuit Court of Lee County against S. S. Brooks, Martha W. Sarver and Joseph T. Alderson, for the purpose of having an attachment to secure and enforce their claim against the said defendants to a debt, Robert L. Pennington for himself, and as agent and attorney for John D. Morgan, plaintiffs in said bill, personally appeared before me H. C. T. Ewing, clerk of our said court at the Clerk's Office thereof, in the State and County aforesaid, and made oath that the plaintiff's claim is believed to be just and is now due and payable; that the affiant believes that the plaintiff, John D. Morgan, is entitled to and ought to recover at least the sum of \$300.00, with interest thereon from the 18th day of December, 1909, and that to the best of the affiants belief the said Joseph T. Alderson is not a resident of this State and has estate within the said County of Lee.

Robert L. Pennington  
For himself and as agent and attorney for  
John D. Morgan.

Subscribed and sworn to before me this the 14th day of June, 1910. In testimony whereof I have hereunto set my hand the day, month and year aforesaid.

W. B. Haney, Jr. Clerk.

SAID. IN TESTIMONY WHEREOF, I have hereunto set my hand and the day

subscribed and sworn to before me this the 14th day of June,

John D. Jordan.

For himself and as agent and attorney for.

of this State and in a estate within the said county of Dec.

of the aforesaid belief, the said Joseph T. Alderson is not a resident

thereon from the 18th day of December, 1903, and that to the best

of my own knowledge and belief the sum of \$500.00, with interest

and costs to and for the said Joseph T. Alderson, is due and owing to

me, and I do not give any advice; that the said

sum of \$500.00, with interest, was made oath that the said

sum of \$500.00, with interest, was made oath that the said

sum of \$500.00, with interest, was made oath that the said

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John D. Morgan & Co

by  $\{$  Officiant  
 $\{$  Allchurch

D. S. Brooks & Co

Filing June 14 -

1910. J. C. P. Ewing,  
clerk.

Know all men by these present that John D. Morgan and Robert L. Pennington, plaintiffs in the hereinafter styled cause, do give notice of lis pendens and attachment by this memoranda which sets forth as follows: There is now pending in the Circuit Court of Lee County a certain Chancery cause, the title of which is John D. Morgan and others against S. S. Brooks, Martha W. Sarver, and Joseph T. Alderson, the general object thereof is to recover a debt of \$300.00 due by note executed by the said defendants to Robert E. Pennington and by him assigned to the said John D. Morgan, and to attach the estate of Joseph T. Alderson who is a non-resident of the State for the purpose of securing the payment of the said debt and the cost of this suit. The description of the land attached in this cause is as follows: A tract of land situated at Saint Charles, Lee County, Virginia, and being a portion of the land which was conveyed by William R. Johnson and wife to S. S. Brooks, and one-half interest conveyed therein by the said S.S.Brooks to the said Joseph T. Alderson, and being that part of the said tract of land which was divided up into lots and known as the Brooks addition to the Town of Saint Charles as shown by the plat of the said addition recorded in deed book 48 page 43, to which reference is here made for a particular description of any and all of the said lots, excepting therefrom such lots as have been conveyed by the said Brooks and Alderson to other parties whose deeds are now on record in the Office of the Clerk of the Circuit Court for Lee County. The name of the persons whose estate is intended to be affected thereby is that of Joseph T. Alderson and S.S.Brooks.

Witness my hand this the 14th day of June, 1910.

*Robert L. Pennington*

Virginia,

Lee County, to-wit:

*W. H. Ewing, Deputy for H. C. Ewing, County Clerk,*  
I, ~~Will O. Freeman~~, a Notary Public in and for the County

aforesaid in the State of Virginia, do hereby certify that Robert. L.



John D. Morgan et al

vs { His Purchases &  
{ Allotments

D. S. Brooks et al

Filed for record  
June 14, 1910.

J. P. C. C. C. C.  
Clark.

Recorded in Deed  
Book No 49, page  
480 &c. Examined  
June 17, 1910.

Indexed.

Fee \$125.

Commonwealth of Virginia,

To the Sheriff of <sup>Wise</sup>~~Lee~~ County- Greeting:

Whereas, John D. Morgan and Robert L. Pennington have in the Clerk's Office of our Circuit Court of Lee County this day filed a bill in equity against S. S. Brooks, Martha W. Sarver, and Joseph T. Alderson, for the purpose of having an attachment to secure and enforce his claim against the said Joseph T. Alderson, S. S. Brooks, and Martha W. Sarver to a debt; and,

Whereas, Robert L. Pennington for himself and as agent and attorney for John D. Morgan, plaintiffs in the said bill, has before me in my said office, in the County of Lee, State of Virginia, made affidavit that the plaintiffs claim is believed to be just and is now due and payable; that the affiant believes that the plaintiffs are entitled to and ought to recover at least the sum of \$300.00 with interest thereon from the 18th day of December, 1909, until paid, and to the best of affiant's belief the said defendant Joseph T. Alderson is a non-resident of this State, and has estate within the County of Lee; and,

Whereas, upon such affidavit the plaintiff's do now require me the said Clerk to endorse on a summons an order to the officer to whom it is directed to attach the estate of the said defendant Jos. T. Alderson, one of the said defendants against whom the claim is,

Therefore, we order and command you that you attach the estate above mentioned of the said Alderson for the amount of the said claim of the said plaintiffs and such estate so attached in your hands to secure that the same shall be forthcoming and liable to further proceedings thereupon to be had before our said Circuit Court at the next September term thereof, and that you on the first day of the said term have then and there this writ and make return how you have executed the same.

Witness H.C.T. Ewing, Clerk of our Circuit court at the courthouse thereof, in the County and State aforesaid, this the 14th day of June, 1910 and in the 134 year of the Commonwealth,

*H.C.T. Ewing,*

Clerk.

The Commonwealth of Virginia, *Wise*

To the Sheriff of the County of ~~Lee~~, Greeting:

WE COMMAND YOU, That you summon

*S. S. Brooks, Martha W. Saxon and Joseph T. Alderson*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the *1st* Monday in *August*, 19*00*, to answer a bill in chancery exhibited against *them*

*in our said Court by John D. Morgan and R. L. Pennington*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *14th* day of *June*, 19*00*, and 1 *34*" year of the Commonwealth.

A Copy, Teste:

*H. C. T. Ewing*, Clerk

, Clerk

J. E. Mace D.S. Appellate  
John D. Morgan, et al,

VS

SUBPOENA  
IN  
CHANCERY

S. S. Brooks, et al,

Ter. Broz, p. q.

To 1st August Rules  
Lee Circuit Court

1910.  
Executed by delivering  
a true copy of the  
within summons  
and attachment re-  
corded thereon, to  
S. S. Brooks and  
Muriel W. Sorenson  
June 1910 -  
fee paid by R. L. Pennington  
J. E. Mace D.S.

Commonwealth of Virginia,

To the Sheriff of Lee County- Greeting.

Whereas, John D. Morgan and Robert L. Pennington have in the Clerk's Office of our Circuit Court of Lee County this day filed a bill in equity against S. S. Brooks, Martha W. Sarver, and Joseph T. Alderson, for the purpose of having an attachment to secure and enforce his claim against the said Joseph T. Alderson, S. S. Brooks, and Martha W. Sarver to a debt; and,

Whereas, Robert L. Pennington for himself and as agent and attorney for John D. Morgan, plaintiffs in the said bill, has before me in my said office, in the County of Lee, State of Virginia, made affidavit that the plaintiffs claim is believed to be just and is now due and payable; that the affiant believes that the plaintiff's are entitled to and ought to recover at least the sum of \$300.00 with interest thereon from the 18th day of December, 1909, until paid, and to the best of affiants belief the said defendant Joseph T. Alderson is a non-resident of this State, and has estate within the County of Lee; and,

Whereas, upon such affidavit the plaintiff's do now require me the said Clerk to endorse on a summons an order to the officer to whom it is directed to attach the estate of the said defendant Jos. T. Alderson, one of the said defendants against whom the claim is,

Therefore, we order and command you that you attach the estate above mentioned of the said Alderson for the amount of the said claim of the said plaintiffs and such estate so attached in your hands to secure that the same shall be forthcoming and liable to further proceedings thereupon to be had before our said circuit Court at the next September term thereof, and that you on the first day of the said term have then and there this writ and make return how you have executed the same.

Witness H.C.T. Ewing, Clerk of our Circuit court at the courthouse thereof, in the County and state aforesaid, this the 14th day of June, 1910, in the 134 year of the Commonwealth,

H.C.T. Ewing Clerk.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*S. S. Brooks, Martha H. Barren and Joseph T. Alderson*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the *1st* Monday in *August*, 19*00*, to answer a bill in chancery exhibited against *them*

*in our said Court by John D. Morgan & R. L. Furrington*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *14th*

day of *June*, 19*00*, and 1*34*th year of the Commonwealth.

A Copy, Teste:

*H. C. T. Ewing*, Clerk

\_\_\_\_\_, Clerk

Executed by levying upon the following real estate  
of the defendant Joseph T. Alderson, to wit:- A  
one half undivided interest in all the lots  
owned by the said defendant and S. S. Brooks  
in the Town of St. Charles Le County Mo and  
being the same lots that are described in a plat  
of the said town as recd in the Le County  
Clerk's office in Deed Book No 48. fol. 73- +  
marked Map of "Brook's Addition to St Charles Le Co  
Mo", except such part of said lots as were con-  
veyed by said Brooks & Alderson to Block Document  
Come State Court of; and to other parties  
whose claims have been recorded in the

Clerk's office of  
Le County, up  
to this date -  
This June 18-1910

W. J. Tucker  
S. d. d.

To  
J. T. Alderson  
Rules  
Court

vs  
S. S. Brooks & Co.

SUBPOENA  
IN  
CHANCERY

Executed I \_\_\_\_\_ 1910 by delivering a true  
copy of the within summons and attachment  
to Joe T. Alderson in Le County Mo

Commonwealth of Virginia,

To the Sheriff of Lee County- Greeting:

Whereas, John D. Morgan and Robert L. Pennington have in the Clerk's Office of our Circuit Court of Lee County, ~~this day~~ on the 14th day of June, 1910, filed a bill in equity against S. S. Brooks, Martha W. Sarver, and Joseph T. Alderson, for the purpose of having an attachment to secure and enforce their claim against the said Joseph T. Alderson, S. S. Brooks, and Martha W. Sarver to a debt; and,

Whereas, Robert L. Pennington for himself and as agent and attorney for John D. Morgan, plaintiffs in the said bill, has before me in my said office, in the County of Lee, State of Virginia, made affidavit that the plaintiffs claim is believed to be just and is now due and payable; that the affiant believes that the plaintiffs are entitled to and ought to recover at least the sum of \$300.00 with interest thereon from the 18th day of December, 1909, until paid, and to the best of affiants belief the said defendant Joseph T. Alderson is a non-resident of this State and has estate within the County of Lee; and,

Whereas, upon such affidavit the plaintiffs do now require me the said Clerk to endorse on a summons an order to the officer to whom it is directed to attach the estate of the said defendant Jos. T. Alderson, one of the said defendants against whom the claim is.

Therefore, we order and command you that you attach the estate above mentioned of the said Alderson for the amount of the said claim of the said plaintiffs and such estate so attached in your hands to secure that the same shall be forthcoming and liable to further proceedings thereupon to be had before our said Circuit Court at the next September term thereof, and that you on the first day of the said term have then and there this writ and make return how you have executed the same.

Witness, H. C. T. Ewing, Clerk of our Circuit Court at the Court-house thereof, in the County and State aforesaid, this the 3rd day of Aug., 1910, and in the 135 year of the Commonwealth.

*H. C. T. Ewing*, Clerk.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

<sup>again</sup>  
WE COMMAND YOU, That you summon

*S. S. Brooks, Martha W.  
Sawyer and Joseph I. Alderson*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on  
the <sup>3rd</sup> Monday in *August* 190*6*, to answer a bill in chancery exhibited against *them* <sup>in our said Court</sup>

*by John A. Morgan and R. L. Pennington*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the <sup>3rd</sup>  
day of *August*, 190*6*, and 1*35*<sup>th</sup> year of the Commonwealth.

A Copy, Teste:

*H. C. T. Ewing*, Clerk

\_\_\_\_\_, Clerk

*John D. Morgan et al*

VS

SUBPOENA  
IN  
CHANCERY

*S. S. Brooks et al*

*Pennington Bros. p. q.*

To *2nd August* Rules  
*Lee Circuit* Court

*1910*  
Specified by Del. a  
true copy of each  
of the within papers  
to Joseph T. Alderson  
This Aug 3<sup>rd</sup> 1910,  
H. Mills. Deputy for  
W. G. Tucker  
S. S. C.